

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Peter Klamka, an individual,

Plaintiff,

v.

Shondella Morton,

a/k/a Shon Gables,

a/k/a Shon Morton, an individual,

Defendant.

Angela Collette (P55628)
Attorney for Plaintiff
215 Dino Dr.
Ann Arbor, Mi 48103
(859) 402-7144

There is no other pending or resolved civil action arising out of the transaction or occurrence alleged in the complaint.

COMPLAINT

The plaintiff, Peter Klamka by and through his attorney Angela Collette comes before this Honorable Court and states for his Complaint as follows:

1. Plaintiff Peter Klamka is an individual who resides in the City Ann Arbor, County of Washtenaw, State of Michigan.
2. Defendant Shondella Morton is an individual with an uncertain domicile with residences in Cedar Grove, New Jersey and Dallas, Texas.

3. The amount in controversy is within the diversity jurisdiction of this Court because Plaintiff claims damages in excess of \$75,000.

COUNT ONE
MALICIOUS PROSECUTION

4. On or about December 8, 2009 Defendant initiated criminal prosecution against Plaintiff by swearing out a complaint with the police, in which she claimed that Plaintiff violated a Temporary Restraining Order.

5. Based on Defendant's complaint, Plaintiff was arrested.

6. In January 2010, after three days of trial, the underlying restraining order was dismissed for lack of evidence.

7. On or about April 23, 2010, the criminal violation proceedings were dismissed as the prosecutor declined to proceed against the Plaintiff citing insufficient evidence. "Case Dismissed. State unable to prove its case beyond a reasonable doubt" (Order of Dismissal)

7. Defendant lacked probable cause for her criminal complaint against Plaintiff.

8. Defendant's criminal complaint against Plaintiff was done with malice and/or with a purpose in instituting the criminal claim other than bringing the Plaintiff to justice; was done to further her ongoing campaign to harass Plaintiff; and, is not the first instance of Defendant's using the public's valuable and limited resources, such as state and local police and other federal investigative agencies, to intimidate and harass Plaintiff.

9. Plaintiff has suffered substantial financial and emotional injury as a result of Defendant's malicious prosecution.

COUNT TWO
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

10. The facts alleged in Paragraphs 1 through 8 above are incorporated herein by reference.

11. Defendant's conduct in harassing Plaintiff by filing numerous and groundless complaints with state and local police authorities and other federal investigative agencies is conduct that is extreme and outrageous. It is a pattern of conduct.

12. Defendant's conduct has been intentional.

13. Defendant's actions have caused Plaintiff emotional distress.

14. Defendant took deliberate steps to have Plaintiff arrested shortly before his birthday and Christmas, a time during which Plaintiff was particularly vulnerable and Defendant knew it.

15. Plaintiff's arrest was widely publicized on the Internet and posted on message boards related to Plaintiff's business ventures. Plaintiff had never before been arrested. His good name and reputation upon which his business depends were damaged.

15. Plaintiff suffers severe emotional distress in that he after the arrest he suffered a documented lack of productivity and/or depression.

WHEREFORE, Plaintiff requests that this Honorable Court order:

- A. That Defendant cease and desist from further harassment; and
- B. That Defendant pay damages to Plaintiff in the amount of \$250,000.00
- C. That Defendant pay court costs and attorney fees in bringing this action; and
- D. Any and all such further relief as this Honorable Court finds equitable.

Dated: June 15, 2010

Respectfully submitted,

By 

Angela Collette (P55628)

Attorney for Plaintiff

215 Dino Dr.

Ann Arbor, Michigan 48103

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